

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

KATHLEEN D. GATES.

Plaintiff.

MCT GROUP, INC., et al,

Defendants.

CASE NO. 13cv2611-MMA (DHB)

ORDER VACATING HEARING DATE & DENYING DEFENDANTS' MOTION TO DISMISS AS MOOT

[Doc. No. 3]

On October 29, 2013, Plaintiff Kathleen D. Gates commenced this fair debt collection action against Defendants MCT Group, Inc. and the Law Offices of Peter W. Singer. *See* Doc. No. 1. Defendants have filed a motion to dismiss Plaintiff's complaint. *See* Doc. No. 3. The motion is currently set for hearing on January 6, 2014. In lieu of any opposition papers, Plaintiff timely filed a First Amended Complaint. *See* Doc. No. 4. The complaint which Defendants move to dismiss is no longer the operative pleading in this action, as an amended complaint supersedes the original complaint. *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997); *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987). Thus, Defendants' motion has become moot. Accordingly, the Court **VACATES** the previously scheduled motion hearing and **DENIES AS MOOT** Defendants' motion to dismiss Plaintiff's original complaint.

IT IS SO ORDERED.

28 || DATE: December 30, 2013

Hon. Michael M. Anello
Hon. Michael M. Anello, U.S. District Judge